

## UNITED STATES DISTRICT COURT

for the

Southern District of New York



\_\_\_\_ Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Melody Jannel Rodgers

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

B&amp;H Photo

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Melody Jannel Rodgers
Street Address	223 River Bend Rd
City and County	Jacksonville Onslow County
State and Zip Code	North Carolina 28450
Telephone Number	910-340-5169
E-mail Address	somu.plow_18@yahoo.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	B & H Photo
Job or Title <i>(if known)</i>	420 9th St.
Street Address	New York, NY 10001
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

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**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

## 1. The Plaintiff(s)

## a. If the plaintiff is an individual

The plaintiff, *(name)* MelodyJannel Rodgers, is a citizen of the State of *(name)* North Carolina.

## b. If the plaintiff is a corporation

The plaintiff, *(name)* B&H, is incorporated under the laws of the State of *(name)* New York, and has its principal place of business in the State of *(name)* New York.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

## 2. The Defendant(s)

## a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_, and has its principal place of business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:  
\$76,000 including punitive and compensatory damages

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

(See Attached)

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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I would like general, compensatory, and punitive damages. \$24,130 to replace my equipment, \$20,000 for loss of rental income and time off work, \$10,000 in future medical expenses for therapy, \$30,000 punitive damages

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**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/03/2024

Signature of Plaintiff /s/ Melody Jannel Rodgers

Printed Name of Plaintiff Melody Jannel Rodgers

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Jacksonville, NC 28540**

**FOR THE SOUTHERN DISTRICT OF NEW YORK**

<p align="center"><b>Melody Jannel Moultrie</b></p> <p align="center"><b>Plaintiff,</b></p> <p align="center"><b>v.</b></p> <p align="center"><b>B&amp;H Photo Video</b></p> <p align="center"><b>Defendant.</b></p>	<p><b>Case No.: [    ]</b></p>  <p><b>COMPLAINT FOR FRAUD, EMOTIONAL DISTRESS, AND OTHER DAMAGES</b></p>  <p><b>Jury Trial Demanded</b></p>
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## INTRODUCTION

1. This is a civil action brought by Plaintiff, Melody Jannel Rodgers, against Defendant, B&H Photo Video ("B&H"), for fraud, emotional distress, financial loss, and other damages arising from Defendant's deceitful business practices, including its handling of a lost package claim and the subsequent refusal to compensate Plaintiff for the loss.

## PARTIES

2. Plaintiff, Melody Jannel Rodgers, is an individual residing at 223 Riverbend Road Jacksonville, NC, who at all times relevant to this action, not a business engaged in the business of selling and trading video equipment.

3. Defendant, B&H Photo Video, is a corporation with its principal place of business at 420 9th Ave, New York, NY 10001. B&H is engaged in the sale and trade of electronics and camera equipment and operates a used trade-in department.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) as the parties are citizens of different states, and the amount in controversy exceeds \$75,000.
5. Venue is proper in this district under 28 U.S.C. § 1391(b)(1) because Defendant's principal place of business is located in this district.

### **FACTUAL ALLEGATIONS**

6. On or around May 27, 2024, Plaintiff contacted B&H's used trade-in department to sell her used Vinten video camera pedestal system with Osprey head.
7. Plaintiff received an offer from B&H to purchase the equipment for \$8,000 under the conditions that the equipment was satisfactory to them once they received it. (See **Exhibit | 1** Preliminary Appraisal)
8. Plaintiff accepted this offer, disassembled the item and shipped the equipment to B&H via FedEx with a shipping label sent by B&H.
9. The equipment was received at B&H's location in New York.
10. Upon receiving the equipment, B&H decided not to proceed with the purchase, stating that the equipment was not worth their original offer.
11. On June 3, 2024, Isaac, a trader at B&H, communicated to Plaintiff that the equipment would be returned, and a FedEx tracking number was provided to Plaintiff.
12. The equipment, however, never arrived back to Plaintiff. After investigating the tracking number, Plaintiff was informed that the package was lost.
13. Plaintiff filed a lost package claim with FedEx on July 07, 2024.
14. On July 24, 2024, the plaintiff received an email from FedEx denying her claims and said the reason was because they had already settled the claim with the shipper. (See **Exhibit | 2** FedEx Claim Denial Letter from FedEx)
15. On that same day, the Plaintiff contacted B&H regarding the lost package, but B&H initially denied knowledge of the lost package or that they had filed a claim.
16. After multiple communications between B&H and FedEx, B&H finally admitted that they had filed a claim with FedEx and had received a settlement.

When I asked for my money for the settlement, B&H said they needed to conduct an internal investigation into the settlement for the lost equipment, but they failed to communicate any findings to Plaintiff within the promised timeframe of one week.

17. Plaintiff called a second time and was told that someone would get back to her in 72-hours but again, no one contacted her.

18. On August 7, 2024, the Plaintiff sent a demand letter via email to the Used Department's customer services representative, Anthony T., requesting compensation. Nathan B. responded dismissively, stating, "Sorry you feel this way and stated they were still investigating." (See **Exhibit | 3** Email Correspondence)

19. As a result of B&H's fraudulent and deceitful conduct, Plaintiff has suffered significant financial losses, including:

a. The loss of the use of the pedestal system, valued at \$24,130 if purchased new and \$100 per day rental value if rented out. (See **Exhibit | 4** Retail Value of Equipment)

b. Loss of work hours spent pursuing answers from B&H, calculated at \$85 per hour for 40 hours (about 3 days of pursuing them to pay the claim).

c. Financial penalties from not receiving timely compensation, resulting in late fees on credit cards, housing payments, and wireless bills.

d. Emotional distress and anxiety from being caused a financial hardship making it unable to pay for necessities and threatening phone calls and texts from my landlord.

e. My credit is being ruined because I can't pay the bill because they are holding my money.

## **CAUSES OF ACTION**

### **COUNT I: FRAUD**

20. Plaintiff realleges and incorporates by reference paragraphs 1 through 17 as if fully set forth herein.

21. Defendant knowingly and intentionally misrepresented material facts regarding the handling of the lost package claim and the return of Plaintiff's property.

22. Defendant's actions were designed to deceive Plaintiff and prevent the rightful compensation for the lost equipment.

23. As a direct and proximate result of Defendant's fraudulent conduct, Plaintiff has suffered significant financial and emotional damages.



## **COUNT II: BREACH OF CONTRACT**

- 24. Plaintiff realleges and incorporates by reference paragraphs 1 through 21 as if fully set forth herein.
- 25. A valid contract existed between Plaintiff and Defendant for the sale and return of the Vinten video camera pedestal system.
- 26. Defendant breached this contract by failing to return the equipment and failing to compensate Plaintiff for the loss.
- 27. As a result of this breach, Plaintiff has suffered damages in an amount to be determined at trial.

## **COUNT III: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

- 28. Plaintiff realleges and incorporates by reference paragraphs 1 through 25 as if fully set forth herein.
- 29. Defendant's negligent handling of the return of Plaintiff's equipment and the subsequent claim process caused Plaintiff to suffer severe emotional distress.
- 30. Defendant's actions were reckless, and they failed to exercise due care in handling Plaintiff's property and claim.
- 31. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered emotional distress, anxiety, and other related damages.

## **COUNT IV: PUNITIVE DAMAGES**

- 32. Plaintiff realleges and incorporates by reference paragraphs 1 through 29 as if fully set forth herein.
- 33. Defendant's actions were willful, malicious, and in reckless disregard for Plaintiff's rights, warranting the imposition of punitive damages.
- 34. Plaintiff is entitled to punitive damages sufficient to punish Defendant and deter similar conduct in the future.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendant as follows:

- 35. Awarding Plaintiff compensatory damages in an amount to be determined at trial, including but not limited to, the full value of the Vinten video camera pedestal system, loss of use, lost work hours, and other financial losses.
- 36. Awarding Plaintiff punitive damages in an amount to be determined at trial.
- 37. Awarding Plaintiff pre- and post-judgment interest as allowed by law.
- 38. Awarding Plaintiff costs and attorneys' fees incurred in bringing this action.
- 39. Granting such other and further relief as the Court deems just and proper.

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: September 03, 2024

**Respectfully submitted,**

/s/ Melody Jannel Rodgers

**Melody Jannel Rodgers**

**223 Riverbend Road**

**Jacksonville, NC 28540**

**910-340-5169**

**Plaintiff, Pro Se**

Exhibit | 1 FedEx Claim

Your FedEx Claim has been denied

From: FedEx Claims Cargo (claimsupdates@fedex.com)

To: Melodyjrodgers@yahoo.com

Date: Wednesday, 24 July 2024 at 04:26 GMT-4



Date: July 24, 2024

<b>CASE #</b>	C-154889781
<b>TRACKING / PRO #</b>	400741886394
<b>SHIP / RECEIVED DATE</b>	07/07/2024
<b>CLAIM AMOUNT</b>	\$24130.00

Hello FedEx Customer,

FedEx values your business. We have received and processed your claim request on the shipment referenced above. Unfortunately, upon completing our investigation, we must respectfully decline your claim.

FedEx has settled the claim with the shipper of the package. Please feel free to contact the shipper if you have any additional questions.

If you have general questions about FedEx® shipping in the future, consult our helpful resources:

**fedex.com/us/guidetoservices** for downloadable service information and shipping support.

**fedex.com/us/claimsonline** for claims submissions, management, status and reporting.

**fedex.com** for 24-hour online support.

We regret any inconvenience this issue has caused and hope to be given the opportunity to better serve your future shipping needs.

Sincerely,

Fedex Cargo Claims.

## How was your claims experience?



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